

[handwritten: Encl. 2]

## PATENT COOPERATION TREATY

Sent by: AUTHORITY ASSIGNED TO INTERNATIONAL  
PRELIMINARY EXAMINATION

PCT

### ANNOUNCEMENT OF FORWARDING OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Rule 71.1 PCT)

<b>To:</b> Wilhelm Karmann GmbH Patent Department Karmannstrasse 1 49084 Osnabrück GERMANY		<b>[stamp]</b> KARMANN Wilhelm Karmann GmbH Aug. 17, 2005 Patents, Laws, Norms	<b>Date sent</b> (DateMonthYear) 8/16/05
<b>File number of the applicant or attorney</b> PI-00801-2PCT		<b>IMPORTANT REPORT</b>	
<b>International appl. number</b> PCT/DE2004/002086	<b>International application date (date/month/year)</b> 9/17/04	<b>Priority date (date/month/year)</b> 9/30/03	
<b>Applicant</b> WILHELM KARMANN GMBH			
<p>1. The applicant is notified that the authority assigned to him for the international preliminary examination is hereby forwarding the international preliminary report regarding patentability issued for the international application, if necessary with the associated attachments.</p> <p>2. A copy of the report will be sent – if necessary with the associated attachments – to the international office for forwarding to all the selected agencies.</p> <p>3. At the request of a selected agency, the International Office will prepare a translation of the report (but not the attachments) into English and send it to this agency.</p> <p>4. REMINDER</p> <p>For entry into the national phase, the applicant must carry out specific actions (submission of translations and payment of national fees) within 30 months starting from the priority date (or in some agencies even later) (Article 39 (1)) (see also information sent by the International Office with form PCT/IB/301).</p> <p>If a translation of the international application has to be sent to a selected agency, it shall also contain translations of all attachments to the international preliminary report on patentability. It is the responsibility of the applicant to prepare such translations and send them directly to the selected agencies involved.</p> <p>Further details on the critical deadlines and requirements of the selected agencies can be found in Vol. II of the PCT manual for applicants.</p> <p>The applicant is referred to Article 33(5), in which it is explained that the criteria for novelty, inventive activity and industrial applicability that are described in Article 33(2) to (4) are only important for the international preliminary examination and that “every contracting country (...) can set up additional or deviating characteristics for the decision regarding patentability of the claimed invention in this country” (see also Article 27(5)). Such additional characteristics can involve e.g. exceptions from patentability, requirements for the disclosure of the invention and clarity and support of the claims.</p>			
<b>Name and postal address of the international searching authority</b> European Patent Office D080298 Munich Phone +49 89 2399 – 0 Telex 523656 epmu d Fax: +49 89 2399 - 4485		<b>Authorized Official</b>  Ikonen, T  Phone: +49 89 2399-7965	

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT REGARDING**  
**PATENTABILITY**  
(Chapter II of the PCT)

File number of the applicant or attorney PI-00801-2PCT		FURTHER ACTIONS      see Form PCT/IPEA/416	
International appl. number PCT/DE2004/002086	International application date (date/month/year) 9/17/04	Priority date (date/month/year) 9/30/03	
International patent application (IPC) or national classification and IPC B50J5/10, B60J7/20, B60J7/047, B60J7/02			
Applicant WILHELM KARMANN GMBH			
<p>1. This report involves the preliminary international examination report that was prepared by the authority assigned to the international preliminary examination according to Article 35 and sent to the applicant according to Article 36.</p> <p>2. This REPORT comprises a total of 4 pages including this cover sheet.</p> <p>3. In addition, ATTACHMENTS are enclosed with the report; these comprise</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and the international office) a total of 4 pages; this involves</p> <p style="margin-left: 40px;"><input type="checkbox"/> Pages with the description, claims and/or drawings that were revised on which this report is based, and/or pages with corrections that the authority has approved (see Rule 70.16 and Section 607 of the administrative regulations).</p> <p style="margin-left: 40px;"><input type="checkbox"/> Pages that replace earlier pages that contain a revision for reasons of the opinion of the authority given in Field no. 1, Item 4 and in the additional field, which go beyond the disclosed content of the international application in the edition originally submitted.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (only sent to the international office) &gt; total (please indicate type and number of the electronic data medium/media), that contains/contain a sequence log and/or the associated tables, only in computer-readable form, as indicated in the additional field regarding the sequence protocol (see Section 802 of the administrative rules).</p>			
<p>4. This opinion includes data on the following points:</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Field no. I    Basis of the opinion</p> <p style="margin-left: 20px;"><input type="checkbox"/> Field no. II    Priority</p> <p style="margin-left: 20px;"><input type="checkbox"/> Field no. III   No creation of an expert opinion on novelty, inventive activity and industrial applicability</p> <p style="margin-left: 20px;"><input type="checkbox"/> Field no. IV    Lack of uniformity of the invention</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Field no. V    Substantiated determination according to Rule 35(2) with respect to novelty, inventive activity and industrial applicability; documents and explanations to support this determination</p> <p style="margin-left: 20px;"><input type="checkbox"/> Field no. VI    Specifically listed documents</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Field no. VII   Specifically listed defects of the international application</p> <p style="margin-left: 20px;"><input type="checkbox"/> Field no. VIII   Specific notes on the international application</p>			
Date of request submission  6/9/05		Date this report was completed  8/16/05	
Name and postal address of the international searching authority European Patent Office D080298 Munich Phone +49 89 2399 - 0 Telex 523656 epmu d Fax: +49 89 2399 - 4485		Authorized Official  Panatsas, A  Phone: +49 89 2399-7067	

INTERNATIONAL PRELIMINARY REPORT  
 REGARDING PATENTABILITY

International appl. number  
 PCT/DE2004/002086

Field no. 1 Basis of the opinion

1. With respect to the language, the report on the international patent application is issued in the language in which it was submitted, unless otherwise indicated in this paragraph.

☐ The opinion is issued on the basis of a translation from the original language into the following language, in which the language of the translation involves the language that was submitted for the following purpose:

- ☐ International search (according to Rules 12.3 and 23.1 b))
- ☐ Publication of the international application (acc. to Rule 12.4)
- ☐ International preliminary examination (according to Rules 55.2 and/or 55.3)

2. With respect to the components of the international application, the report is based on *(replacement pages that were submitted to the application agency on request according to Article 14, are considered "originally submitted" in the scope of this report and are not attached to it)*:

Description, pages  
 1 – 14 in the originally submitted version

Claims, no.  
 1-10 in the version revised according to Article 19 (with explanation if necessary)

Drawings, pages  
 1/18 – 18/18 in the originally submitted version

☐ a sequence protocol and/or any associated tables – see additional field relating to the sequence protocol

3. ☐ Based on the changes, the following documents have been eliminated:

- ☐ Description: page
- ☐ Claims: no.
- ☐ Drawings: Page/fig.
- ☐ Sequence protocol (*exact data*):
- ☐ Any tables belonging to the sequence protocol (*exact data*):

4. ☐ This report has been issued without consideration (of some of) the changes attached to this report and listed in the following, since in the opinion of the authority, these go beyond the disclosed content in the originally submitted edition, for the reasons indicated in the additional field (*Rule 70.2c*).

- ☐ Description: page
- ☐ Claims: no.
- ☐ Drawings: Page/fig.
- ☐ Sequence protocol (*exact data*):
- ☐ Any tables belonging to the sequence protocol (*exact data*):

\* If Item 4 applies, some or all of these pages can be have the note "replaced" added.

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Field no. V Substantiated determination according to Article 35 (2) with respect to novelty, inventive activity and industrial applicability; documents and explanations to support this determination

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1. Determination

Novelty (N)                      Yes: Claims 1-10  
    No: Claims

Inventive step (IS)              Yes: Claims 1-10  
    No: Claims

Industrial applicability (IA)      Yes: Claims 1-10  
    No: Claims

2. Documents and explanations (Rule 70.7):

see Attachment

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Field no. VII Defects determined in the international application

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It was determined that the international application has the following defects in form or content:

see Attachment

Re. Item V.

**Closest state of the art**

DE019615540 (D1) discloses a movable motor vehicle hatchback with rear window, which in closed position rests on a rear section of lateral roof members of the motor vehicle body. In this case, during opening, the hatchback turns around a rotary axis lying at the front edge.

**Invention**

The claimed invention differs from D1, in that during opening of the hatchback, its most forward-lying area in direction of travel is moved opposite the direction of travel in order to release a passageway so that the movable roof parts can be moved into the vehicle body.

Because of this solution principle, it is possible to stow and/or store the parts of the roof that are further forward in the roof to be opened in the rear motor vehicle area without collision between the hatchback to be opened and the movable roof parts.

None of the documents from the search discloses the above solution principle, nor is it made obvious by these documents. Accordingly, the object of Claim 1 is new and inventive (Art. 33(2) and 33(3) PCT).

The documents from the search involve solutions as disclosed in D1. Different documents from the search actually disclose hatchbacks that open toward the rear, but these do not contain any frame parts ascending in direction of travel and the rear window is not a component of the hatchback.

The dependent Claims 2-10 represent advantageous further developments of the invention.

**Re. Item VII**

Document D1 is not named in the description; the relevant state of the art contained in it is not outlined briefly (Rule 5.1(a) (ii) PCT).

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Claims:

1. Motor vehicle (1) with a movable hatchback (H1) that comprises side frame parts (H3) that go upward in direction of travel, between which a rear window (H4) is held in at least one position and which, in closed position of the hatchback (H1), lie on a back section (8) of lateral members (3) of the vehicle body (6) and form part of the external vehicle surface,  
**characterized in that**  
during its opening, the hatchback (H1) can be moved opposite the direction of travel (F) with its area (H5) lying furthest toward the front in direction of travel (F) and in this process, it opens up a passageway (D1) for moving roof parts (P1, P2, H4) into the vehicle body (6) in the area covered when the hatchback (H1) is closed.
2. Motor vehicle (1) according to Claim 1,  
**characterized in that**  
with the hatchback (H1) in closed position, the side frame parts (H3) lie flush to sections (9) of the roof members (3) of the vehicle (1) that follow in direction of

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travel (F) and lie above side windows (2) .

3. Motor vehicle (1) according to Claim 2,  
**characterized in that**  
the passageway (D1) is expanded in vehicle transverse direction, in comparison to the inner width (D3) between the roof members (3).
4. Motor vehicle (1) according to Claim 3,  
**characterized in that**  
with separately lowered rear window (H4) that is thus in disengaged position and frame parts (H3) of the hatchback (H1) closed over it, the edges (D2; D4) of the roof members (3) turned toward a vertical longitudinal center plane of the vehicle and the side frame parts (H3) of the hatchback (H1) lie flush in succession.
5. Motor vehicle (1) according to one of Claims 1 to 4,  
**characterized in that**  
with the rear window (H4) in closed position, on its upper edge (H5) that is toward the front in direction of travel (F), at least one other moving panel part (P1; P2)

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extends, that can be stored through the passageway (D1) in the vehicle body (6).

6. Motor vehicle (1) according to one of Claims 1 to 5,  
**characterized in that**  
the rear window (H4) can be moved with respect to the surrounding frame parts (H3) separately into a disengaged position.
7. Motor vehicle (1) according to Claim 6,  
**characterized in that**  
the rear window (H4) can be moved through the passageway (D1) into the vehicle body (6).
8. Motor vehicle (1) according to one of Claims 1 to 7,  
**characterized in that**  
the hatchback (H1) is designed so that it is essentially U-shaped outside the rear window (H4) and in its closed position only surrounds the rear window (H4) on the side (H13) and on its lower edge (H12).
9. Motor vehicle (1) according to one of Claims 1 to 8,



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**characterized in that**

the rear window (H4) and the other panel part(s) (P1, P2) lie parallel to each other in open position.

10. Motor vehicle (1) according to one of Claims 1 to 9,

**characterized in that**

the passageway (D1) has an extension length of at least 20 cm in vehicle longitudinal direction.